

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35990

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 595
	)	
Plaintiff-Respondent,	)	Filed: August 31, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
KRIS D. PETERSON, SR.,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Second Judicial District, State of Idaho, Nez Perce County. Hon. Carl B. Kerrick, District Judge.

Judgment of conviction and consecutive unified sentences of fifteen years, with four years determinate, for two counts of lewd conduct with a minor under sixteen, affirmed.

Molly J. Huskey, State Appellate Public Defender; Heather M. Carlson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Chief Judge, GUTIERREZ, Judge  
and GRATTON, Judge

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PER CURIAM

Kris D. Peterson, Sr. was charged with two counts of lewd conduct with a minor under the age of sixteen, I.C. § 18-1508, and pursuant to a plea agreement, pled guilty to the charges and the state agreed not to file additional charges. The district court sentenced Peterson to consecutive unified terms of fifteen years, with four years determinate. Approximately four years later, Peterson filed a petition for post-conviction relief, which the district court granted. The district court resentenced Peterson to consecutive unified sentences of fifteen years, with four years determinate. Peterson filed a second petition for post-conviction relief, which was granted by the district court. The district court vacated the judgment and again imposed

consecutive unified sentences of fifteen years, with four years determinate. Peterson filed an Idaho Criminal Rule 35 motion for reduction of sentences, which the district court denied. Peterson appeals from his judgment of conviction and sentences, contending that the district court abused its discretion by imposing excessive sentences.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentences. Accordingly, Peterson's judgment of conviction and sentences are affirmed.